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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

Mr. Don Henne, Regional Environmental Officer
Office of Environmental Policy and Compliance
United States Department of Interior
Custom House 217
200 Chestnut Street
Philadelphia, PA 19106-2904

FEB 02 1994

Re: Exeter PCB Site

Dear Mr. Henne:

Thank you for your letter of January 18, 1994 regarding the Exeter PCB Site (Site) in Hopewell, Virginia. In the letter, the United States Department of Interior (DOI) raises several concerns. As you are aware, there has been previous correspondence between DOI and the United States Environmental Protection Agency (EPA) regarding Exeter. In this regard, EPA has fulfilled its responsibility for notification of natural resource trustees (Trustees) and protection of Trustee natural resources as delineated in the National Contingency Plan (NCP); C.F.R. §§ 300.410(g) and 300.615 as well as EPA Region III's January 13, 1993 Removal guidance on Implementing EPA's Notification and Coordination Responsibilities with Federal Natural Resource Trustees.

Your concerns fall into three categories: (1) those that EPA believes it has addressed, (2) those that do not fall within the purview of the Superfund Removal Program, and (3) those that were not appropriate or practicable in these circumstances.

First, with regard to the specific concern that the Site may be a source of PCBs found in bald eagles, EPA did not find any indication that the PCBs at the Site have migrated from the transformers and capacitors in which the PCBs were found at the Site. Although a few of the transformers did exhibit small seeps/leaks, none of the leaks had reached the transformer pads and none of the pads were found to be contaminated. These transformers and capacitors have been properly disposed. EPA has no reason to suspect that the Exeter Site is a source of PCBs in bald eagles, the James River or elsewhere.

Second, the scope of the Removal portion of the Superfund Program does not lend itself to the performance of the assessments that DOI suggests for the Site. Pursuant to CERCLA, EPA is authorized to undertake Removal (as distinguished from Remedial) action only when it determines that a release or threat of release of hazardous substances is a threat to public health

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or welfare or the environment. Removal actions are limited by regulation to one years duration and \$2 million. Removals are further limited by many EPA policy and guidance documents, including a limitation on actions to address groundwater contamination. Finally, Removal actions are limited to actions specifically approved by the Regional Administrator of EPA Region III (RA) in an Action Memo. The Action Memo is prepared for the RA's signature, along with a supporting administrative record which cites and documents specific releases, threats and actions proposed to address such releases and threats. Not all Action Memos are signed. Not all Removal actions are funded.

The Exeter Action Memo included funding to remove and dispose of abandoned drums, transformers and capacitors and asbestos. These response actions were supported by analytical data showing current releases of these hazardous substances and a threat posed by the releases. Funding was also approved to assess historic disposal areas at the Site. These assessment activities were supported by documentation which indicated the possibility that a historic release may have occurred which conceivably could result in a threat. The assessment went beyond what is typically performed at a Removal Site, but it was also very specific and was based upon certain documentation. When the assessment did not reveal a release or a threat consistent with the NCP and CERCLA Removal guidance, EPA could not justify expenditure of additional Removal funding to continue assessment activities.

Many of the assessment activities you propose are consistent with the type of activities appropriately undertaken pursuant to a remedial investigation and feasibility study (RI/FS). However, the Site is not presently listed or proposed for the National Priorities List (NPL). EPA can not perform RI/FS activities unless the Site is proposed for the NPL. EPA encourages DOI to undertake any additional assessment activities it feels may be warranted under the NCP C.F.R. §300.615, "Responsibilities of Trustees," which lists activities that can be undertaken by Trustees. Be assured that EPA will consider appropriate response measures should your data indicate the need for such action.

Third, several of the concerns you raise were considered at the time by EPA during Removal response activities; but for various reasons such actions were considered either impracticable or inappropriate under the circumstances.

For example, the Exeter PCB Site is located in the middle of the City of Hopewell, one of the highly industrialized areas of the Commonwealth of Virginia. It has been an industrial Site for over 70 years and is surrounded by industry. All EPA's actions, including the historic disposal area assessment were undertaken on developed portions of the Site. All the Removal actions were performed inside the factory buildings or on the pavement surrounding the factory buildings, except for the historic area assessment. EPA does not believe that its activities had any

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adverse impact on the environment. EPA does not believe an endangered species assessment is or was necessary, nor was it practicable to conduct such assessment activities prior to the conduct of response activities. On-the-other-hand, delay of response activities in order to perform such an assessment, as you suggested in your March 30, 1993 letter, may have resulted in adverse impact to human health and the environment.

As regards the endangered species, EPA did consult with the United States Fish and Wildlife Service (USFWS). I talked by telephone with Ms. Nancy Morris, of the United States Fish and Wildlife Service (USFWS) regarding an assessment of the Site by USFWS and future consideration by EPA of endangered plant species. It was Ms. Morris' position that Site circumstances did not warrant USFWS involvement or an endangered species assessment. I have enclosed Exeter Polrep #59 dated June 10, 1993 wherein I briefly documented my discussion with Ms. Morris.

When the Removal Program is able to effect actions to protect Trustee interests or assist DOI in protecting such interests, we will do so. I am pleased to be involved in such activities at the Cerro Metals Products Site, in Bellefonte, Pennsylvania and the Doyle Woodtreating Site, in Henry County, Virginia. However, it not possible to assist DOI at Exeter at this time.

I do have two suggestions which may benefit both our Programs. First, I suggest we arrange meeting between yourself and others from DOI and Region III Removal personnel to further discuss our mutual roles and responsibilities. Second, when DOI has concerns for a specific site, I suggest you make an immediate telephone call to the OSC upon notification, or, better yet, make a Site visit with the OSC; a timely phone call or visit is far more useful than a belated written response. I would be happy to meet with you or arrange a meeting involving you and others. Please contact me at (215) 597-6678 or contact my Section Chief, Charlie Kleeman at (215) 597-4018. I hope this information has been useful to you.

Sincerely,



William D. Steuteville,
On-Scene Coordinator
Western Response Section

enclosure

cc: C. Kleeman
D. Carney
R. Pennington

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